IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICITON

PUBLIC INTEREST LITIGATION NO. 153 OF 2007

Shankar Laxman Devkar ...Petitioner

V/s.

The Union of India & Ors. ...
Respondents

WITH

PUBLIC INTEREST LITIGATION NO. 97 OF 2007
AND
CIVIL APPLICATION NO. 71 OF 2007

Mahadev Vishnu Salunke & Ors. ...
Petitioners

V/s.

The Collector, District Solapur, & Ors. ...Respondents

Mr. R.G. Ketkar for the Petitioner in PIL 153 OF 2007

Mr. V.B. Naik for the Petitioners in PIL 97 of 2007

Mr. N.P. Deshpande, Assistant Government Pleader,
for Respondents No. 4 to 6

Mr. R.B. Raghuvanshi, Additional Solicitor General , with
Mr. A.N. Samant with Mr. T.G. Prabhu and Mr. C.G. Shah
for the Union of India.

CORAM: **J.N. PATEL, AND**
SMT. NISHITA MHATRE, JJ.
DATE: **DECEMBER 19, 2007**

P.C.:-

1. These two Writ Petitions are filed, challenging the decision of the respondent-Railways to re-locate the proposed railway station from the original site to the new site, which is at a distance of 2 Kms.

2. The main grievance of the petitioners appears to be that the petitioners have offered their lands for acquisition, and, by entering into Consent Terms, accepted reasonable compensation from the Railways to facilitate the construction of a railway station.

3. It is their contention that in order to favour a politician, the decision to re-locate the railway station came to be taken, and now, the Railway proposes to acquire another set of lands for the purpose of constructing a railway station.

4. We have gone through the pleadings, and are of the view

that there is no public interest involved in the matter, particularly when the persons, whose lands are now going to be acquired for the purpose of constructing the railway, have no grievance on this issue, insofar as the contention of the petitioners that the railway station is being re-located to favour a politician is concerned, is far-fetched. The re-location of railway station is bound to benefit certain persons, and that, by itself, cannot be a reason for the Court to interfere in the matter.

5. So far as the present case is concerned, the re-location of railway station is on the same track, at a distance of 2 Kms., which the Railways found to be more suitable than the earlier place. The respondents, in their affidavit-in-reply, have specifically stated that the earlier land acquired for the purpose of constructing a railway station would be utilised for other purpose by the Railways.

6. The learned Additional Solicitor General, who appears on behalf of the Union of India, states that the land at the new site is already acquired, the construction of the railway station has also progressed up to the plinth level, and the railway station is likely to be

completed by 1st March, 2008, and would become operational. We have recorded the statement made by the Additional Solicitor General to put the record straight.

7. We, therefore, do not find any reason to interfere in the matter of re-location of railway station, which decision has been taken by the Railways, though it may be at the behest of the State Government. The two petitions stand dismissed.

8. As the petition has been dismissed, the Civil Application does not survive, and the same is accordingly dismissed.

J.N. PATEL, J.

SMT. NISHITA MHATRE, J.